



United States  
Department of  
Agriculture

Forest  
Service

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# **Black-tailed Prairie Dog Conservation and Management on the Nebraska National Forest and Associated Units**

## **Including Land and Resource Management Plan Amendment 1**

USDA Forest Service  
Rocky Mountain Region  
Nebraska National Forest

# **Record of Decision Executive Summary**



## Introduction

Since the 1960's, the Forest Service has been challenged to balance our duty to conserve both prairie dog habitat and our agricultural heritage, both vital attributes of the national grasslands we manage for the public. Through the late 1960s and early 1970s, Forest Service prairie dog plans called for colonies to be limited to approximately 3,000 acres through annual use of prairie dog rodenticide. Rodenticide use was halted for several years. In 1978, rodenticide use resumed. By then, prairie dog colonies had expanded dramatically.

Prairie dog direction was amended in 1981. This direction remained in effect until 1989 when the direction was once again modified. The Forest Service developed a new plan in 1989 to increase the colony retention acreage from 3,100 acres up to 8,000 acres, mostly located in the Conata Basin area of the Buffalo Gap National Grassland. Annual black-footed ferret releases in Conata Basin were initiated in 1994 under the 1989 prairie dog direction and a separate black-footed ferret reintroduction FEIS. In 2002, the Forest revised its Land and Resource Management Plan (LRMP). The 2002 LRMP and this ROD continue to direct management of National Grassland habitat for the black-footed ferret in the Conata Basin.

The LRMP and 2002 ROD provide programmatic direction for conserving and managing black-tailed prairie dogs on the national grasslands and forests in the project area. This direction prescribes use of lethal and non-lethal tools to regulate and manage prairie dog populations. The 2002 direction involves a small number of prairie dog colonies and results in minimal rodenticide use. The larger and more extensive issue is encroachment of prairie dog colonies from national grasslands onto adjoining private or tribal agricultural lands. The Forest Service decided in the LRMP to defer this larger issue until the States of Nebraska and South Dakota completed ongoing prairie dog management planning.

Other events have set the stage for further modifications to prairie dog conservation and management direction, including:

- In 1998, the black-tailed prairie dog was petitioned for listing and protection under the Endangered Species Act (ESA).
- The Chief of the Forest Service rescinded the national guidance and poisoning moratorium in February, 2004 and deferred decisions made in the LRMP. In August, 2004, the U.S. Fish and Wildlife Service concluded from updated population information, that the black-tailed prairie dog was not likely to become endangered and removed it from the candidate list.
- The recent drought in South Dakota and Nebraska has led to accelerated expansion of prairie dog colonies, and increased complaints about unwanted colonization of lands adjoining national grasslands. In response to these complaints, application of prairie dog rodenticide in selected colonies was conducted by the State of South Dakota on private lands and by the USDA Animal and Plant Health Inspection Service – Wildlife Services (APHIS-WS) on the Buffalo Gap National Grassland in 2004. A lawsuit was filed and a stipulated settlement agreement was reached. As part of the

stipulated settlement agreement, no further use of rodenticide would occur until the completion of an environmental impact statement (EIS) and LRMP amendment addressing a long-term solution for management of prairie dog colonies.

## My Decision

The Forest Service has evaluated three alternatives for reducing unwanted prairie dog colonization of private or tribal lands from adjoining national grasslands. Based upon my careful review of the Black-tailed Prairie Dog Conservation and Management Final Environmental Impact Statement (FEIS), LRMP and associated LRMP Record of Decision (ROD), my decision is to select and implement Alternative 3 and related Appendix B Implementation Plan, as described in the FEIS. This ROD describes my decision and rationale, including the Implementation Plan (see Supplement 2 of this ROD). Although Alternatives 1 and 3 are likely the most environmentally preferred alternatives, Alternative 1 does not address an immediate relief for adjoining landowners in most boundary encroachment areas. I find Alternative 3 to be environmentally acceptable, addressing the issues while balancing environmental concerns. I also have decided to amend the Nebraska National Forest LRMP as described in Appendix C in the FEIS and Supplement 3 in this ROD.

In summary, Alternative 3 is prairie dog conservation concurrent with population regulation and management through non-lethal methods and expanded rodenticide use along property boundaries. The boundary management zones are set at 0.25 mile on the Fort Pierre National Grassland and 0.5 mile on the Buffalo Gap and Oglala National Grasslands. This alternative prescribes an adaptive management concept using a full suite of tools, including expanded rodenticide use and vegetation management, through livestock grazing coordination, to manage and reduce selected prairie dog colonies along national grassland property boundaries.

Adaptive management is defined as a type of natural resource management in which decisions are made as part of an ongoing process. Adaptive management involves testing, monitoring, evaluating, and incorporating new knowledge into management approaches based on scientific findings and the needs of society. Results are used to adapt management actions based on site-specific conditions and knowledge. These management actions may range from short-term to long-term (i.e. rodenticide use to vegetation management to land adjustments). The initial management actions are prescribed to likely achieve desired conditions in a timely manner. Adaptive management provides forward thinking (i.e. drought issues) and if monitoring shows that desired conditions are not being met, then an alternate set of management actions would be implemented to achieve the desired results.

I have carefully considered the issues, including several major ones. They include:

- Unwanted prairie dog colonization on adjoining private or tribal lands and effects on landowners and their property,
- Importance of prairie dogs and these public lands, especially the Conata Basin and Smithwick Black-footed Ferret Reintroduction

Area, to the recovery of the endangered black-footed ferret and our partners in the recovery program,

- Public support for continuing prairie dog colony expansion vs. public desires to limit prairie dog colony expansion,
- Information provided by the South Dakota Black-Tailed Prairie Dog Conservation and Management Plan which addresses black-footed ferret reintroductions. File correspondence involving this issue indicates that as a condition of State support for the reintroduction of black-footed ferrets, the State of South Dakota required that the prairie dog acreages in the Conata Basin remain between 8,000 and 12,000 acres.

My decision is subject to the following terms, conditions and requirements:

Allow rodenticide use along boundaries to reduce encroachment (as defined) in response to complaints from adjoining landowners that can demonstrate colonization on their lands along property boundaries or imminent (1 to 2 years) colonization and that a national grassland colony is a significant contributor to the colonization. Encroachment is defined as a national grassland colony that extends across a private or tribal property boundary or would likely cross a property boundary within 1 to 2 years.

I want to clarify that the establishment of boundary management zones does not imply that rodenticide will be applied to all prairie dog colonies within the zones. The Forest Service does not have to wait to take action until after colonization occurs on adjoining lands. Alternative 3 states that rodenticide use will be considered if encroachment on the adjoining lands is likely (imminent) within the next 1 to 2 years. However, if a colony is less than the ¼ mile (Fort Pierre National Grassland) or ½ mile (Oglala and Buffalo Gap National Grasslands) from the private-federal lands boundary, is not moving towards private or tribal lands and thus is not causing encroachment we will scale back our treatments to use non-lethal tools such as boundary fencing and grazing modifications as necessary.

Alternative 3 gives greater emphasis to the use of third party solutions as a management tool. Third party solutions involve participation by other government agencies or private organizations to provide innovative solutions to help conserve prairie dogs while reducing conflicts and offsetting financial hardships. These solutions include but are not limited to financial incentives, conservation agreements and easements with willing landowners, and other tools identified in the national black-tailed prairie dog conservation assessment and strategy. The Forest Service will encourage the development of third party solutions.

We remain committed to assessing site-specific needs for vegetation management adjustments, through livestock grazing coordination, prior to authorizing rodenticide use in boundary management zones.

I will use, where appropriate and conditions allow, vegetation management tools to increase forage and/or visual barriers along the boundary management zone. The Forest Service remains committed to emphasizing vegetation management at those locations where it will be most effective and where we have chronic encroachment problems. It is an important tool for enhancing the long-term effectiveness of prairie dog management in

many areas and for reducing future rodenticide use and costs. I recognize that any one management tool by itself will not always be 100% effective. However, the combination of these management tools can be effective under the right conditions.

Many of the comments referenced the interior portions (those areas outside of the boundary management zones) and the effects that no control is having on rangeland health, soil erosion, etc. More analyses and on-the-ground coordination with all stakeholders are needed to identify the extent of the problem as well as acceptable and effective strategies.

The Forest Service acknowledges the contentiousness of the prairie dog shooting issue, especially in Conata Basin and the Smithwick areas (of South Dakota) black-footed ferret reintroduction habitat.

Regarding the Smithwick reintroduction habitat, the Forest Service is committed to issuing prairie dog shooting restrictions in the management area to help facilitate development of black-footed ferret reintroduction habitat. However, we are deferring this action until meaningful progress is made in initiating a cooperative black-footed ferret reintroduction plan for this area, in conjunction with adjoining landowners and local, state and tribal governments.

The current Forest Service shooting restriction in Conata Basin will be modified to allow limited and closely regulated shooting in selected colonies along the national grassland boundary. This shooting restriction will be modified under an adaptive management framework. It is hoped that regulated shooting can be effective in reducing encroachment from selected colonies and thus reduce rodenticide use, but if this does not occur, the original shooting closure will be promptly reinstated.

Numerous comments were received that suggested the Forest Service improperly expanded the project area to include the National Forest System (NFS) lands in Nebraska, which includes the Oglala National Grassland. The lack of a Nebraska prairie dog plan does not preclude the Forest Service from addressing prairie dog management on the national grasslands and forests in Nebraska at this time. We recognize the need to act, including the national grasslands and forests in Nebraska at this time will assure balanced and integrated prairie dog management guidance across the administrative unit of the Nebraska National Forest in both states.

## **Rationale for Decision**

The American public deserves to know the National Grasslands have limits of goods and services that can be provided. This includes prairie dogs, associated black-footed ferret habitat, and livestock grazing that occurs in these areas. I recognize the conflict within many decisions made to integrate the uses on the land. I have also tried to understand the social and economic impacts of conflicting uses such as grazing and prairie dogs. I've struggled to achieve a management balance that recognizes the likely impacts to black-footed ferret recovery, sustaining adequate prairie dog colonies, and finally to livestock grazing and ranching stability.

This decision takes into account public comments, social/political and economic concerns, the land base and its capabilities, and current science.

The Forest Service has demonstrated its commitment to black-footed ferret and prairie dog conservation as evidenced by the most successful national recovery efforts to date for the endangered black-footed ferret and a remarkable comeback for prairie dogs on this Forest's National Grasslands. But for the support of local people, this would not likely have occurred. However, expanding prairie dog populations without limits comes with high social and environment costs that are inextricably linked.

Our goal is to be good neighbors, and in sharing the "no tolerance" concept, we intend to implement an aggressive control policy using all available management tools in dealing with the unwanted colonization on adjacent private or tribal lands while at the same time ensuring we provide habitat for prairie dogs and related species.

## **Other Alternatives Considered**

Alternative 1 is our current management following current LRMP direction. My rationale for not selecting Alternative 1 is this alternative shows an increase in prairie dog acreage across the planning area, especially during the recent low precipitation periods (drought), and we have found that our current management does not address an immediate relief for adjoining landowners in most boundary encroachment areas. Alternative 2 expands the use of rodenticide, along with non-lethal management up to one mile wide. My rationale for not selecting Alternative 2 is as follows:

- This alternative raises viability concerns of local populations for the prairie dog and burrowing owl on the Fort Pierre and Oglala Geographic Areas. Under USDA Departmental Regulation 9500-4, National Forest Management Act regulations (36 CFR Part 219) and Forest Service Manual 2670, the Forest Service is to provide habitat on the national grasslands and forests for viable populations of all existing native wildlife species.
- The National Forest Management Act regulations (36 CFR Part 219.19) also identify the need to select "management indicator species" to help estimate the effects of management activities on other species of major biological communities. Black-tailed prairie dog colonies and the diversity of wildlife species found in them certainly represent a major biological community on the national grasslands in the project area, and the black-tailed prairie dog, itself, was identified in the LRMP as the management indicator species for the community. In order to meet MIS objectives set forth in the LRMP, the width and certain management requirements within the boundary management zone were adjusted.
- The ESA under section 7(a)(1) requires that Federal Agencies utilize their authorities for the conservation of federally listed species. The black-footed ferret minimum threshold for Conata Basin is maintaining a 200 ferret family rating on Federal lands capable of supporting at least 100 breeding adults. Alternative 3 provides a strong probability that these thresholds can be met even if low prairie dog densities are experienced due to low precipitation periods (drought) across the entire Conata Basin ferret area.

## Public Involvement

I have considered all the comments, issues and discussions made during this participation process. We have met one-on-one and/or attended meetings with various government agencies, elected officials, State and County officials, environmental representatives, and private landowners. Over 14,000 comment letters and emails were received from federal, state, and local agencies, as well as interested organizations, and individuals.

Commentors on the Draft EIS expressed concerns that were grouped into 10 categories. These focused topics included: (1) analysis, (2) boundary management zones, or “buffers,” (3) black-footed ferrets, (4) economics, (5) grazing, (6) law, regulation and policy, (7) private land issues, (8) resource damage, (9) rodenticide use, and (10) shooting.

Other key interactions included attending a public symposium on the long-term efforts to re-introduce the endangered black-footed ferret. While we have been successful in expanding ferrets and prairie dogs, the reason for my decision is these expansions, exacerbated in part by low precipitation periods (drought), have impacted our neighbors and their agricultural based livelihood.

## Appeal Rights and Other Information

This executive summary does not display and disclose all affects, impacts and parts of my decision, nor your appeal rights. For more information regarding the Final Environmental Impact Statement, full version of this Record of Decision and your appeal rights please visit website [www.fs.fed.us/r2/nebraska/projects](http://www.fs.fed.us/r2/nebraska/projects), or contact the Nebraska National Forest, 125 N. Main Street, Chadron, Nebraska 69337, and Phone: (308) 432-0300.